



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 30, 1998

Ms. Lisa Aguilar  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469

OR98-0829

Dear Mr. Hart:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 113859.

The City of Corpus Christi (the "city") received a request for detailed information about any benefits received by a named city employee. The city provided information to the requestor about group health insurance benefits that are funded by the city. However, the city has not provided details about beneficiaries of any life insurance plans nor information about optional benefit plans not funded by the city. You assert that this information is protected from disclosure under section 552.101 of the Government Code. You specifically ask whether some of the information on Exhibit B, and if Exhibits C through E, are protected in their entirety from disclosure.

The test to determine whether information is private and excepted from disclosure under common-law privacy as protected by section 552.101, is whether the information is (1) highly intimate or embarrassing to a reasonable person and (2) of no legitimate public concern. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 930 (1977). In Open Records Decision No. 600 (1992), this office determined that life insurance beneficiary information is protected from disclosure on the basis of common-law privacy. *Id.* at 10. That opinion also drew a distinction between financial transactions between a public employee and the governmental body in which the public has a legitimate public interest, and private financial decisions made by the public employee. *Id.* at 9-11. Thus, information showing that the governmental body pays for part or all of the employee's enrollment in group health coverage is generally public information, but information about optional benefits is private. *Id.* at 10.

The information that is protected from disclosure includes: (1) beneficiary designations, (2) the employee's choice of a health insurance carrier, (3) the employee's election to choose tax-exempt benefits, and (4) details concerning whether the employee has opted for additional insurance or health care coverage that is not paid for by the governmental body, and the amounts of such insurance, if any. *Id.* at 10-11. We have reviewed the documents at issue and agree that Exhibits C through E must be withheld from disclosure in their entirety to protect the employee's privacy interests. Also, the beneficiary information on Exhibit B must be withheld, as marked. It is our understanding that the remaining information has been provided to the requestor.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy", written in a cursive style.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 113859

Enclosures: Submitted documents

cc: Ms. Katherine Martinez-Vitela  
Gary, Thomasson, Hall & Marks  
P.O. Box 2888  
Corpus Christi, Texas 78403  
(w/o enclosures)